

all the annual interest, as it may arise, from the whole purchase money, including that proportion of it which must be considered as the price of the reversion, as well as of that which may properly be regarded as the price of the life estate. Apart from these legislative enactments in relation to these specified estates for life in land; and as regards all other life interests in land, annuities for life, &c. the courts of justice have been left without any positive or general rule as their guide, to adjust the value of life interests, when called upon, as they could according to the general principles of law and justice.

There can be no doubt, that long antecedent to the amendment in 1800, of the act to direct descents, there must have been brought before the courts of justice many cases in which it was necessary to make a valuation of a life interest; but no such case has been reported. In a case which was brought before this court in the year 1801, by a widow to obtain an allowance of a proportion of the proceeds of sale as a compensation for her dower, the Chancellor speaks of it as the first of the kind, within his recollection. In adjusting the proportion of the proceeds of the sale to be allowed to her in that case, he declares, that as she could not use her third part of the land as tenant in fee simple, she could not be entitled to one-third of the annual interest on the whole purchase money; but on consideration of all the circumstances, and without apparently adverting to the act providing, that in cases arising under the act to direct descents, the widow should be allowed not more than a seventh nor less than a tenth of the proceeds of sale, he awarded to her three-twentieths of the net proceeds of sale. (t) Some time after which, this matter, as to the

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(t) *Maccubbin v. Cromwell*, 2 H. & G. 457.

*CASSANAVE v. BROOKE*.—This petition, filed on the 29th of October, 1799, stated, that the petitioner was the widow of Peter Cassanave, who died seised of a large real estate in which she was entitled to dower; the whole of which, at the suit of the creditors of her husband had been sold for the payment of his debts; that the defendant Samuel Brooke, as trustee, had sold it, under a decree of this court, discharged of all claim of dower; and under that representation, it had been purchased by the then holders from the trustee. Therefore to quiet their titles; and that justice might be done to all, she prayed, that she might be allowed a proportion of the net proceeds of the sale in lieu of dower.

This petition was on the 29th of October, 1799, endorsed thus by the Chancellor. 'Issue *subpana* returnable immediately.' After which the trustee answered on oath and admitted all the facts stated in the petition.

21st May, 1801.—*HANSON, Chancellor*.—The said cause being submitted on the bill or petition and answer, the same were by the Chancellor read and considered,